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EXAMINER

SHANG, ANNAN Q

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/055,758
Filing Date: January 23, 2002
Appellant(s): STEWART, JOHN SIDNEY

JOEL M. FOGELSON
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/16/08 appealing from the Office action mailed 07/13/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,701,528	ARSENAULT ET AL	3-2004
6,002,694	YOSHIZAWA ET AL	12-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 5, 6, 8-12, 15, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Arsenault et al (6,701,528)** in view of **Yoshizawa et al. (6002694)**.

As to Claims 1 and 11, **Arsenault** discloses a method/system for providing multimedia presentations on demand in a near on demand environment, comprising:

(Control Center/Uplink 'CC' 102/104) Providing beginning segments for pre-recording by subscribers (IRD-200) where each beginning segment corresponds to ones of a plurality of multimedia presentations, each beginning segment having a duration at last as long as a predetermined time interval (figs.5-8, col.9, line 46-col.10, line 21, col.11, line 23-col.12, line 7 and col.17, line 30-col.18, line 5); and,

(CC 102/104) Transmitting each one of said plurality of multimedia presentations concurrently on a plurality of channels with identical presentations transmitted on a different channel of said plurality of channels, and with a start time of each transmission having a periodic interval not exceeding said predetermined time interval (col.9, line 46-col.10, line 21, col.11, line 23-col.12, line 7 and col.17, line 30-col.18, line 5).

Responding to a subscriber request for performance of a selected one of said plurality of multimedia presentations by providing said subscriber an authorization to commence playback of one of said beginning segments corresponding to said selected one of said plurality of multimedia presentations, said authorization comprises at least one of an authorization to commence recording said selected one of said plurality of

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multimedia presentations for which broadcast has already begun, and to commence playback of said corresponding one of said beginning segments (col.9, line 46-col.10, line 21, col.11, line 23-col.12, line 7 and col.17, line 30-col.18, line 5),

Arsenault is silent to preventing playback of the recording of the selected one of the plurality of multimedia presentations upon completion of the presentation.

However, **Yoshizawa** discloses preventing playback of said recording of said selected one of the plurality of multimedia presentations upon completion of said presentation (upon completion reads on "end" of viewing/re-viewing within a specific time; outside of the specific time, the viewer is not able to view of re-view unless the viewer pay for the request; Col. 5, lines 46-53). Put another way, at the end of the time the presentation is completed. Yoshizawa discloses the use of a descrambling code key for descrambling the requested scrambling media (Col. 8, lines 41-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arsenault with the teaching of Yoshizawa for providing an interactive, chargeable billing system while preventing infringement of copyright of video content, as suggested by Yoshizawa (Col. 3, lines 25-30; Col. 4, lines 15-21).

As to claims 2 and 12, Arsenault further discloses the step of providing the subscribers with a menu of the plurality of multimedia presentations (col.2, lines 8-21 and col.7, lines 30-40),

As to claims 5 and 15, Arsenault further discloses where the authorization comprises a descrambling code key for descrambling the selected one of the plurality of

multimedia presentations and said corresponding one of said beginning segments (col.9, lines 13-45, col.10, line 7-col.11, line 6 and col.17, line 24-col.18, line 5).

As to claims 6 and 16, Arsenault further discloses wherein the authorization comprises an access code for accessing a channel over which the selected one of the plurality of multimedia presentations is transmitted (col.9, lines 13-45, col.10, line 7-col.11, line 6 and col.17, line 24-col.18, line 5).

As to claims 8 and 18, Arsenault further discloses generating a billing code responsive to the subscriber request for the selected one of plurality of multimedia presentations (col.9, lines 13-45, col.10, line 7-col.11, line 6 and col.17, line 24-col.18, line 5).

As to claim 9, Arsenault further discloses recording each said beginning segment provided to the subscriber automatically, responsive to the subscriber's initial activation of a multimedia system (col.9, line 46-col.10, line 21, col.11, line 23-col.12, line 7 and col.17, line 30-col.18, line 5).

As to claim 10, Arsenault further discloses periodically replacing ones of said beginning segments with new beginning segments corresponding further multimedia presentations (col.9, line 46-col.10, line 21, col.11, line 23-col.12, line 7 and col.17, line 30-col.18, line 5).

(10) Response to Argument

Appellant discusses the prior arts of record and the office action and argues that the prior arts of record do not teach "preventing playback of said recording of said selected one of the plurality of multimedia presentations upon completion of the presentation", (see page 5+ of Appellant's Brief).

In response, Examiner notes Appellant's arguments; however, the Examiner respectfully disagrees. The primary prior art of record, Arsenault teaches all the claimed limitations including "...non-real time viewing...to store a video in its entirety for complete off-line viewing at a later date..." (col.9, lines 46-52); "...the receiver 200 can store the data packets in encrypted form and decrypt them for later viewing after a purchase choice is made by the customer...", and "...A first level of access control can be used to limit access to persons who are authorized...and the second level of access control can be used to limit access..." (col.10, line 28-col.11, line 1+). It appears Arsenault discusses playing at a date (time period) and other various claimed limitations as to playing back the stored content, however it appears Arsenault is silent to preventing playback of the recording of the selected one of the plurality of multimedia presentations upon completion of the presentation. However, **Yoshizawa** discloses preventing playback of the recording of the selected one of the plurality of multimedia presentations upon completion of the presentation (upon completion reads on "end" of viewing/re-viewing within a specific time; outside of the specific time, the viewer is not able to view of re-view unless the viewer pay for the request; Col. 5, lines 46-53). Furthermore Yoshizawa discloses the use of a descrambling code key for descrambling the requested scrambling media (Col. 8, lines 41-63). Furthermore Arsenault teaches

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viewing at a later date (time period), hence it would have been obvious to one of ordinary skill in the art to modify the Arsenault system, to set up other time periods (duration of completion, e.g., an hour, two hours, etc.,) and prevent playback outside this time periods. Hence, the combination of Arsenault in view of Yoshizawa with respect to the 103(a) rejection is proper, meets all the claims limitation and should be sustained.

(11) Related Proceeding(s) Appendix

None

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Annan Q Shang/

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